

December 29, 2004
January 25, 2005 (Updated),

USDA FOREST SERVICE

FY 2004 Annual FOIA Report

Sections I. Basic Information, II. How to Make a FOIA Request, and III. Definitions of Terms, will be completed by the Office of Communications.

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year:

1. Brief description of type(s) of information withheld under each statute.

- Archaeological Resources Protection Act of 1979:
 - Archaeological and historical sites
- National Defense Authorization Act for Fiscal year 1996:
 - Technical proposals submitted by contractors
- National Historic Preservation Act of 1966 (16 U.S.C. 470w-3):
 - Location and nature of historic sites
- National Historic Preservation Act of 1968:
 - Location and nature of historic sites

2. Statement of whether a court has upheld the use of each statute. If so cite example.

V. Initial FOIA/PA Access Requests

A. Number of Initial Requests: (include all access requests, whether first party or third party) (NOTE: The total of Lines 1 and 2, minus Line 3, should equal Line 4.)

1. Number of requests pending at end of FY 03	378
2. Number of requests received during FY 04	3,703
3. Number of requests processed during FY 04.	3,658
4. Number of requests pending at end of FY 04	423

B. Disposition of Initial Requests: (NOTE: The total of Lines 1, 2, 3, and 4 should equal the number of requests processed shown in Line 3 of Part A.)

1. Number of total grants 2,234

2. Number of partial grants 730

3. Number of denials 300

a. Number of times each FOIA exemption used: (count each exemption once per request)

(1) Exemption 1 0

(2) Exemption 2 8

(3) Exemption 3 14

(4) Exemption 4 67

(5) Exemption 5 154

(6) Exemption 6 226

(7) Exemption 7(A) 31

(8) Exemption 7(B) 1

(9) Exemption 7(C) 98

(10) Exemption 7(D) 0

(11) Exemption 7(E) 0

(12) Exemption 7(F) 0

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure: (total) 394

a. No records 277

b. Referred elsewhere 19

c. Request withdrawn 27

d. Fee-related reason 10

e. Records not reasonably described 7

f. Not a proper FOIA request for some reason 15

g. Not an agency record 8

h. Duplicate request 4

i. Other (Glomar) 27

(Note: Do not count requests referred within your agency in this category, it pertains only to requests that are referred outside of your agency)

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS (includes all access requests, whether first-party or third-party).

A. Number of Appeals:

1. Number of appeals received during FY 04 56
2. Number of appeals processed during FY 04 63

B. Disposition of Appeals:

1. Number completely upheld 21
2. Number partially reversed 20
3. Number completely reversed 10

a. Number of times each FOIA exemption used: *(count each exemption once per appeal)*

- | | |
|---------------------|-----------|
| (1) Exemption 1 | <u>0</u> |
| (2) Exemption 2 | <u>1</u> |
| (3) Exemption 3 | <u>0</u> |
| (4) Exemption 4 | <u>1</u> |
| (5) Exemption 5 | <u>21</u> |
| (6) Exemption 6 | <u>21</u> |
| (7) Exemption 7(A) | <u>0</u> |
| (8) Exemption 7(B) | <u>0</u> |
| (9) Exemption 7(C) | <u>0</u> |
| (10) Exemption 7(D) | <u>6</u> |
| (11) Exemption 7(E) | <u>0</u> |
| (12) Exemption 7(F) | <u>1</u> |
| (13) Exemption 8 | <u>0</u> |
| (14) Exemption 9 | <u>0</u> |

4. Other reasons for nondisclosure: (total) 12

- a. No records 4
- b. Referred elsewhere 4
- c. Request withdrawn 2
- d. Fee-related reason 0
- e. Records not reasonably described 0
- f. Not a proper FOIA request for some reason 2
- g. Not an agency record 0
- h. Duplicate request 0
- i. Other (specify) 0

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS.

A. Median Processing Time For Requests. *(Example for calculation of median: Given requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.)*

1. Simple requests (if multiple tracks used)
 - a. Number of requests processed 1,846
 - b. Median number of days to process 15
2. Complex requests (specify for any and all tracks used)
 - a. Number of requests processed 1,807
 - b. Median number of days to process 21
3. Requests accorded expedited processing
 - a. Number of requests processed 5
 - b. Median number of days to process 8

(NOTE: The number of requests listed in the different tracks must equal the number of requests processed from section A, Line 3.)

B. Status of Pending Requests: *(Agencies using multiple tracks may provide numbers for each track as well as totals.)*

1. Number of requests pending at end of FY 04 423
2. Median number of days requests were pending at end of FY 04 15

VIII. COMPARISONS WITH PREVIOUS YEAR(S) (Optional).

C. Describe Agency Efforts To:

1. Improve timeliness:
 - Strengthen lines of communication between FOIA personnel and program personnel.
 - Continued contact with requesters to clarify or narrow requests.
2. Reduce backlog:
 - Use detainers to draft responses to simple requests.
 - More communication with subject matter program personnel.

3. Provided training at national, regional, and local levels:
 - Advise personnel of FOIA requirements, of the application of FOIA to a particular set of records, and explain interpretations of law.
 - Began revision of Forest Service FOIA Handbook.
4. Add new categories of records:
 - Nothing to report

IX. COSTS/FOIA STAFFING.

A. Staffing Levels:

1. Number of full-time FOIA personnel 23
2. Number of personnel with part-time or occasional FOIA duties (in work-years) 55
3. Total number of personnel (Work-years) 78

B. Total Costs: (include staff and all resources) (Note: Use +20% for overhead.)

1. FOIA processing (including appeals) \$4,922,258.60
2. Litigation-related activities (estimated) \$ 12,500
3. Total costs \$4,934,758.60
4. Comparison with previous year(s) (optional).

C. Statement of additional resources needed for FOIA compliance (optional).

X. FEES: (includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.)

- A. Total amount of fees collected for processing requests \$27,325.15
- B. Percentage of total costs .005

XI. FOIA REGULATIONS: (including Fee Schedule): None